

Appl. No. 09/944,652
Amdt. Dated 10/23/2006
Reply to Office action of 07/21/2006

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REMARKS/ARGUMENTS

The Examiner is thanked for the courtesy of a telephonic interview, which took place on October 19, 2006, in which the amendments presently set forth herein and Applicants reasoning as to why the presently amended claims clearly distinguish over the references cited by the Examiner, were discussed.

Applicants respectfully submit that the substance of the interview is set forth in the following remarks.

During the interview, the Examiner agreed with Applicants that the claim amendments set forth herein distinguish over the prior art of record.

As discussed in the interview, Applicants are herewith filing a Request for Continued Examination (RCE) including amended independent claims 1, 19, 37, and 49.

Reconsideration in light of the amendments, the interview, and the remarks made herein, is respectfully requested.

This Amendment is in response to the Final Office Action mailed July 21, 2006. In the Office Action, claims 1, 3, 5, 14, 17-19, 21, 23, 28-32, 35-37, 39, and 45-48 stand rejected under 35 U.S.C. § 102, and claims 4, 6-13, 15, 16, 22, 24-27, 33, 34, 40-44, 49, and 51-61 stand rejected under 35 U.S.C. § 103.

Although Applicants disagree with the Examiner's previous rejections, Applicants have amended independent claims 1, 19, 37, and 49 to expedite prosecution of the case. Further, Applicants have cancelled claims 2-5, 10-11, 15-18, 20-23, 28-29, 33-36, 38-40, 45-46, 50-53, and 58-59, without prejudice, to expedite prosecution of the case, and reserve the right to prosecute these claims at a later time.

Rejections Under 35 U.S.C. § 102 and § 103

In the previous Office Action, claims 1-3, 5, 14, 17-19, 21, 23, 28-32, 35-37, 39, and 45-48 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,808,608 issued to Young et al. (hereinafter Young). In the previous Office Action, claims 4, 6-

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13, 15, 16, 22, 24-27, 33, 34, 40-44, 49 and 51-61 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Young in view of U.S. Patent No. 6,317,881 issued to Shah-Nazaroff et al. (hereinafter Shah).

Applicants respectfully submit that Young and Shah do not, either alone or in combination, teach or suggest the limitations of amended independent claims 1, 19, 37 and 49. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Indeed, for the reasons set forth in the previously submitted Responses, Applicants submit that Young and Shah do not teach or suggest the limitations of previously pending independent claims 1, 19, 37 and 49.

Applicants' amended independent claims 1, 19, and 37 generally relate to a client terminal, a computer program embodied in a computer readable storage medium for use in a client terminal, and a method, respectively, to implement functionality including: allowing a user to select *a critic profile based upon a critic rating source from a list of a plurality of different critic profiles* displayed on the display device via user input...*generating the critic profile based upon past program rating data associated with the critic rating source by utilizing a preference engine to rate at least one program that does not have program rating data associated with the critic rating source...*ranking and ordering program listings based upon the selected critic profile...and displaying the ranked and ordered program listings in the program guide on the display device.

Amended independent claim 49 generally relates to a video distribution system connectable to a client terminal that includes *a preference engine to generate a critic profile based upon past program rating data associated with a critic rating source...the preference engine rating at least one program that does not have program rating data associated with the critic rating source...*wherein, in response to user input selecting the critic profile from a list of different critic profiles received from the client terminal, the video distribution system controller responsive to a ranking program...ranks and orders program listings based upon *the selected*

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critic profile...and...commands the client terminal to display the ranked and ordered program listings in the program guide on a display device.

In contrast, Applicants respectfully submit that Young and Shah, either alone or in combination, do not teach or suggest: allowing a user to select a critic profile based upon a critic rating source from a list of a plurality of different critic profiles displayed on the display device via user input...generating the critic profile based upon past program rating data associated with the critic rating source by utilizing a preference engine to rate at least one program that does not have program rating data associated with the critic rating source...ranking and ordering program listings based upon the selected critic profile...and displaying the ranked and ordered program listings in the program guide on the display device.

The previous Office Action states that Young teaches a preference engine and cites Figure 14 (see Office Action, page 3, discussing dependent claim 5). Applicants respectfully disagree, and submit that Figure 14 and the associated text of Young do not teach or suggest a preference engine. In fact, Applicants respectfully submit that Young nowhere teaches or suggests the use of a preference engine.

Furthermore, Applicants respectfully submit that Young nowhere teaches or suggests generating a critic profile based upon past program rating data associated with a critic rating source by utilizing a preference engine to rate at least one program that does not have program rating data associated with the critic rating sources.

The Office Action cites Figure 14 and column 14, line 30 – column 15, line 23 of Young as being relevant to critic rating sources and critic profiles. Young describes program rating data such as qualifier fields 112 shown in Figure 14 that include different star ratings, e.g., one star *, two star **, three star ***, four stars **** and MPAA ratings, e.g. PG, G, etc.

As set forth in Young:

[E]ach theme includes a group of search attributes or qualifiers 112. The qualifiers for each theme 106 are shown in the respective one of FIGS. 14-17 for each theme 106. Any number of qualifiers can be enabled at one time. These qualifiers perform a logical OR functions; they will select for display all listings

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(sorted first by theme and topic) that satisfy the qualifiers... For example, the qualifier field of FIG. 14 includes four star ****, three star ***, two star ** and one star * rated TV programs, based on the auxiliary schedule information described above. By selecting both the **** and *** boxes, only programs that have at least a three star rating will be listed. Other criteria, such as year of release, may also be included as a qualifier field. (col. 14, lines 31-57, emphasis added).

As above, Young discloses various qualifiers that may be selected in which one of the types of qualifiers is a star rating. As described in Young, these qualifiers for a previously selected theme perform a logical OR function to select for display all listings, sorted first by theme and topic, which satisfy these qualifiers. Young also describe MPAA ratings.

However, neither the star ratings nor the MPAA ratings disclosed in Young are equivalent to generating a critic profile based upon past program rating data associated with a critic rating source by utilizing a preference engine to rate at least one program that does not have program rating data associated with the critic rating source.

These limitations are quite simply not taught or suggested by Young.

As to Shah, Shah relates to collecting viewer feedback to a broadcast and then generating a rating for the broadcast based on the viewer feedback which may be provided to subsequent viewers and programming providers. (Shah, col. 2, lines 44-53).

Shah likewise does not teach or suggest the use of critic profiles and preference engines and nowhere teaches or suggests generating a critic profile based upon past program rating data associated with a critic rating source by utilizing a preference engine to rate at least one program that does not have program rating data associated with the critic rating source. The Office Action utilizes Shah merely for disclosing a video distribution system controller that collects user feedback regarding a broadcasted program.

Applicants respectfully submit that Young and Shah, either alone or in combination, do not teach or suggest: allowing a user to select a critic profile based upon a critic rating source from a list of a plurality of different critic profiles displayed on the display device via user input...generating the critic profile based upon past program rating data associated with the critic rating source by utilizing a preference engine to rate at least one program that does not

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have program rating data associated with the critic rating source... ranking and ordering program listings based upon the selected critic profile...and displaying the ranked and ordered program listings in the program guide on the display device.

Therefore, because Young and Shah do not teach or suggest these limitations, the combination of Young and Shah does not render obvious Applicants' amended independent claims 1, 19, 37, and 49. Thus, Applicants respectfully submit that these independent claims are allowable and should be passed to issuance. Further, because the respective dependent claims include even further limitations, Applicants respectfully submit that these claims are allowable, for at least the same reasons, and should also be passed to issuance.

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Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 6-9, 12-14, 19, 24-27, 30-32, 37, 41-44, 47-49, 54-57, and 60-61 are allowable over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 10/23/2006

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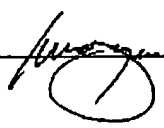
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